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In re Application of :
Dingwell, et al. :
Application No.: 10/528,469 : DECISION ON
PCT No.: PCT/AU2003/001284 :
Int. Filing Date: 29 September 2003 : RENEWED PETITION
Priority Date: 30 September 2002 :
Attorney's Docket No.: 6180-000001/US :
For: COMPONENT INTERLOCKING :

This decision in response to the "RENEWED PETITION UNDER 37 CFR 1.47(A) IN U.S. PATENT APPLICATION NO. 10/528,469" filed 09 August 2006, which is being treated as a petition under 37 CFR 1.48(a) and a request under 37 CFR 1.497(d). No further petition fee is due.

BACKGROUND

On 29 September 2003, applicant filed international application PCT/AU2003/001284 that claimed priority of an earlier Australian application filed 30 September 2002. A copy of the international application was communicated to the United States Patent and Trademark Office from the International Bureau on 08 April 2004. Accordingly, the thirty-month period for paying the basic national fee for the national stage in the United States expired at midnight on 29 March 2005.

On 21 March 2005, applicant filed a transmittal letter for entry into the national stage in the United States which was accompanied by a copy of the international application, a declaration of inventorsip and the basic national fee of \$300 as required by 35 U.S.C. 371(c). These papers were assigned application number 10/528,469.

On 18 October 2005, the United States Patent and Trademark Office in its capacity as an Elected Office mailed the "NOTIFICATION OF ACCEPTANCE OF APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.495" (Form PCT/DO/EO/903).

On 07 March 2006, applicant filed this "REQUEST FOR CORRECTION OF INVENTORSHIP PURSUANT TO 35 U.S.C. § 116 AND 37 C.F.R. § 1.48." This request included statements by the two inventors who wish to be added to the application, written consent of the assignee and declarations signed by the original inventor and the two inventors who wish to be added to the application. Applicant also included the petition fee of \$130.00.

On 14 June 2006, a decision was mailed to applicant indicating that the declaration signed by inventor Dingwall was improper in that it did not comply with 37 CFR 1.497.

On 14 August 2006, applicant filed the current response.

DISCUSSION

37 CFR .148 states, in part:

Amendment of the inventorship requires: (1) A request to correct the inventorship that sets forth the desired inventorship change; (2) A statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part; (3) An oath or declaration by the actual inventor or inventors as required by § 1.63 or as permitted by §§ 1.42, 1.43 or § 1.47; (4) The processing fee set forth in § 1.17(i); and (5) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see § 3.73(b) of this chapter).

Further, a request under 37 CFR 1.497(d) must be accompanied by (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that any error in inventorship in the international application occurred without deceptive intention on his or her part, (2) the processing fee set forth in § 1.17(i), and (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee.

Applicants have now provided a properly signed declaration from inventor Dingwall. Further, applicant has provided the earlier signed declarations from inventors Brinkley and Gale, who are being added to the declaration. Additionally, applicants have provided a statement of consent signed by the assigness, Cutting Edges Replacement Parts PTY LTD.

CONCLUSION

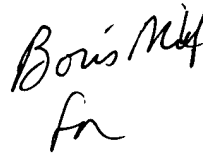
The petition under 37 CFR 1.48 and the request under 37 CFR 1.497(d) is **GRANTED**.

Applicant paid the petition fee (\$130 by check, \$70 by deposit account) with the earlier filed petition. On 09 August 2006, with the filing of the current petition, applicant paid another \$200 petition fee by credit card. The **\$200 fee paid on 09 August 2006 has been REFUNDED** to applicant's credit card.

Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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